

EXHIBIT 2

KEITH EVERET BEIERBACH

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF TEXAS
 3 HOUSTON DIVISION
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 6
 7 TESCO CORPORATION,) C.A. NO. H-08-2531
 8 Plaintiff,)
 9)
 10 vs.)
 11)
 12 WEATHERFORD INTERNATIONAL,)
 13 INC., NATIONAL OILWELL VARCO,)
 14 L.P., OFFSHORE ENERGY SERVICES,)
 15 INC., AND FRANK'S CASING CREW)
 16 AND RENTAL TOOLS, INC.,)
 17 Defendants.)
 18
 19 _____
 20 Video deposition of KEITH EVERET BEIERBACH taken
 21 at the offices of Gowling Lafleur Henderson LLP,
 22 Calgary, Alberta, on the 13th day of January,
 23 2010.
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1 APPEARANCES:
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1 (PROCEEDINGS COMMENCED AT 9:41 AM)
 2 THE VIDEOGRAPHER: Tape is rolling. Time on
 3 the monitor shows 9:41:22 Mountain Standard Time.
 4 The date is the January 13th, 2010. This is the
 5 deposition of Mr. Keith Evert, and the last name
 6 is Beierbach. My name is Chris Cozea. We are in
 7 Calgary, Alberta, Canada. Madam Court Reporter's
 8 name is Karoline Schumann.
 9 And would the counsel present here present
 10 themselves, please.
 11 MR. BOWICK: Okay, Robert Bowick and
 12 John Raley for defendant National Oilwell Varco.
 13 MR. CREAVEN: Cormac Creaven, in-house
 14 counsel, National Oilwell Varco.
 15 MR. BUSHMAN: Jim Bushman representing
 16 Offshore Energy Services.
 17 MR. KRIEGER: Paul Krieger representing
 18 Weatherford International, Inc.
 19 MR. FOWLER: Mateo Fowler, Bracewell &
 20 Giuliani, representing Tesco Corporation.
 21 MR. LUMAN: John Luman of Bracewell &
 22 Giuliani, representing Tesco Corporation.
 23 THE VIDEOGRAPHER: Thank you very much,
 24 indeed. Karoline ...
 25 KEITH EVERET BEIERBACH, Affirmed:

<p style="text-align: center;">137</p> <p>1 A Which claim now?</p> <p>2 Q Claim number 4.</p> <p>3 MR. LUMAN: Is there a question, or 4 are we just reading?</p> <p>5 Q MR. BOWICK: Does the Claim 4 refer to 6 a channel key?</p> <p>7 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>8 A It refers to a channel key.</p> <p>9 Q MR. BOWICK: Look at Claim 11, next 10 page. It's referring to an anti-rotation device?</p> <p>11 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>12 Q MR. BOWICK: Does it not?</p> <p>13 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>14 Q MR. BOWICK: Claim 12?</p> <p>15 A I haven't answered the question for Claim 11 yet.</p> <p>16 Q Okay.</p> <p>17 A So, yes.</p> <p>18 Q And Number 12 talks about an anti-rotation 19 bracket extending from the top drive.</p> <p>20 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>21 A Yes.</p>	<p style="text-align: center;">139</p> <p>1 MR. LUMAN: Objection to form.</p> <p>2 <u>OBJECTION TO QUESTION</u></p> <p>3 A Not that I'm aware of.</p> <p>4 Q MR. BOWICK: But Tesco was using this 5 in January 2002, "this" being the channel key, 6 with a pipe engaging apparatus?</p> <p>7 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>8 A A version or a similar thing.</p> <p>9 Q MR. BOWICK: And you didn't feel the 10 need to tell the patent office about it?</p> <p>11 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>12 A I don't know. I guess not.</p> <p>13 Q MR. BOWICK: Why not?</p> <p>14 A Because I didn't think it was -- didn't think it 15 was material or relevant.</p> <p>16 Q It's certainly part of your invention, is it not?</p> <p>17 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>18 A What is?</p> <p>19 Q MR. BOWICK: The channel key.</p> <p>20 A The channel key -- or a channel key is a part of 21 our invention.</p> <p>22 Q And you had publicly used a channel key more than</p>
<p style="text-align: center;">138</p> <p>1 Q MR. BOWICK: And you took these 2 pictures that are shown in this brochure at 3 Exhibit 65, correct?</p> <p>4 A I believe so.</p> <p>5 Q And those pictures had to have been taken I think 6 you said it was at that January 2002 Chevron job, 7 correct?</p> <p>8 A Correct.</p> <p>9 Q And on that job, this pipe engaging apparatus 10 included an anti-rotation device?</p> <p>11 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>12 Q MR. BOWICK: Is that true?</p> <p>13 A It did include an anti-rotation device, yes.</p> <p>14 Q And a device that I think you referred to in your 15 patent as a channel key?</p> <p>16 A A similar device.</p> <p>17 Q And it fits into a slot that extends from the top 18 drive, correct?</p> <p>19 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>20 A That's correct.</p> <p>21 Q MR. BOWICK: And you didn't tell the 22 patent office about these pictures or this 23 brochure, did you?</p>	<p style="text-align: center;">140</p> <p>1 a year before you filed for the 443 patent, did 2 you not?</p> <p>3 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>4 A Wasn't more than a year.</p> <p>5 Q MR. BOWICK: These pictures you said 6 were taken in January 2002 on that Chevron job.</p> <p>7 A Right.</p> <p>8 Q Your patent was filed November 10, 2003. Doing 9 the math, it's about a year and 11 months, almost 10 two years.</p> <p>11 A Okay, so what's the question?</p> <p>12 Q So you had publicly used a channel key more than 13 a year before you filed your patent, correct?</p> <p>14 MR. LUMAN: Objection to form. <u>OBJECTION TO QUESTION</u></p> <p>15 A A different form, but a form of channel key.</p> <p>16 Q MR. BOWICK: How was it different?</p> <p>17 A The piece that goes into the channel is attached 18 to the actuator directly rather than being a part 19 of the link hanger.</p> <p>20 Q And the link hanger is sometimes called a 21 bracket?</p> <p>22 A Maybe.</p> <p>23 Q Look at your 443 patent, I think you use the term</p>